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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,901	01/22/2004	Joseph L. Pikulski	HRL/007-03	6163
7590 10/20/2006			EXAMINER	
AAGAARD & BALZAN, LLP			JOHNSON, JONATHAN J	
Suite 105			ART UNIT	
674 County Square Drive			PAPER NUMBER	
Ventura, CA 93003			1725	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/762,901

**Applicant(s)**

PIKULSKI, JOSEPH L.

**Examiner**

Jonathan Johnson

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 22-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-44 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

The examiner withdraws the species restriction and will examine claims 1-21.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2004/0134976 (Keyser). Keyser teaches a solder matrix (paragraph 25); b) microparticles secured with the solder matrix (paragraph 25); and c) the microparticles being constructed so as to be capable of arranging during a solder bonding process so as to provide a substantially uniform separation between opposing soldered surfaces (paragraph 9 and 23); wherein the microparticles are embedded within the solder matrix (paragraph 25); wherein the microparticles are shaped so as to inhibit stacking while self arranging during a solder bonding process (paragraph 25); an amount of microparticles with respect to an amount of the solder matrix so as to inhibit stacking of the microparticles during a solder bonding process (paragraph 9 and 25); wherein the microparticles are shaped so as to inhibit stacking while self arranging during a solder bonding process (paragraph 9 and 25); wherein the microparticles comprise microspheres

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(paragraph 25); wherein the microparticles comprise at least one of: (a) glass; (b) plastic; (c) elastomer; (d) metal; (e) semiconductor; (f) material capable of conducting electric current; or (g) dielectric material (paragraph 25); wherein the microparticles comprise generally regular particles; wherein the microparticles have a coefficient of expansion such that a combined coefficient of expansion of the microparticles and the solder matrix is in a range between the opposing soldered surfaces (paragraph 23); wherein the microparticles have a coefficient of expansion lower, higher or the same as a coefficient of expansion of the solder matrix (paragraph 23); wherein the microparticles are distributed substantially uniformly through the solder matrix (paragraphs 23-27 and figure 3); wherein the microparticles are embedded near an exterior surface of the solder matrix (figure 3, and paragraphs 23-27); wherein the microparticles are secured to an exterior surface of the solder matrix (figure 3, and paragraphs 23-27); wherein the plurality of microspheres comprises microspheres comprising at least one of: (a) glass; (b) plastic; (c) elastomer; (d) metal; (e) semiconductor; (f) material capable of conducting electric current; or (g) dielectric material. and b) a plurality of microspheres having a substantially similar diameter embedded within the solder matrix (paragraph 25 and figure 5, item 24).

### ***Response to Arguments***

Applicant argues Keyser does not teach a "solder matrix" as required by claim 1. The examiner disagrees. During patent examination, the pending claims must be "given the broadest reasonable interpretation." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05,

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162 USPQ 541, 550-51 (CCPA 1969). In the instant case, dictionary.com defines "matrix" as "something within which something else." In applying the Prater test by giving the claim its broadest reasonable interpretation, it is the examiner's position that the Keyser's solder paste constitutes a solder matrix because both the flux and the spacer spheres 24 are within the solder paste 22.

Applicant next argues that the withdrawn claims should be rejoined because it would not require a burdensome search. The examiner disagrees. The withdrawn claims would require a search in class 156, which is not required for the elected claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177.

The examiner can normally be reached on M-Th 7:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jonathan Johnson  
Primary Examiner  
Art Unit 1725

jj